

**State of Nebraska
Workforce Investment Act
Waiver Request**

TRANSFER AUTHORITY

The Nebraska Workforce Development/Department of Labor as the WIA Title I Grant Recipient Agency in Nebraska requests a general waiver to increase the transfer authority of the Local Workforce Investment Boards from the current 30% to 100% for Adult and Dislocated Worker funds. This proposed increase will provide the local boards with greater flexibility for responding to changes in local labor markets and economic conditions, and will help ensure that the WIA funds allocated to each local area are being utilized in a way that will maximize recruitment and customer service including demand-driven needs of the business community. The waiver will apply to Program Year 2005 and subsequent years.

In keeping with the guidelines set forth at WIA Section 189(i)(4)(B) and 20 CFR Part 661.420(c), please accept the following as a request for a waiver.

A. Statutory or Regulatory Requirements to be Waived

WIA Section 133(b)(4) and 20 CFR Part 667.140 provides the authority for workforce investment areas, with approval of the Governor, to transfer up to 20 percent of the Adult Activities funds to Dislocated Worker Activities, and up to 20 percent of Dislocated Worker Activities funds to Adult Activities. According to TEGL 23-04, the 2005 appropriation enacted by Congress raised these transfer limits to 30 percent for appropriated 2005 funds, applicable for the life of the funds.

The State of Nebraska requests that Local Boards be allowed to transfer up to 100 percent of a program year allocation for Adult funds and up to 100 percent of a program year allocation for Dislocated Worker funds between the two funding streams.

B. Goals the State or Local Area, as appropriate, Intends to Achieve and How Those Goals Relate to the Strategic Plan Goals

The goal of the State is to provide more flexibility to Local Boards so they are able to respond to changes in local labor markets and economic conditions in a more efficient manner. This correlates to the Plan Goal 1 of being “a dynamic, demand-driven workforce development system” and Plan Goal 3 “to meet the changing long and short-term needs of businesses and individuals with a coordinated, efficient, and less bureaucratic delivery system.”

This waiver will, also, help ensure that the WIA funds allocated to each local area are being utilized in a way that will maximize recruitment and customer service. The flexibility in this waiver may contribute to reaching Plan Goal 3 of increasing “the integration of services to employers and job seekers by multiple public and private partners.”

C. Actions Taken to Remove State or Local Statutory or Regulatory Barriers

There is no State or local statutory or regulatory barrier to implementing the proposed waiver.

D. Programmatic Outcomes Expected to be Achieved If the Request is Granted

Nebraska has three Local Workforce Investment Areas with very diverse needs. The Greater Nebraska Workforce Investment Area must meet the needs of an 88 county, mostly rural population. The Greater Omaha and Greater Lincoln Workforce Investment Areas have been affected by major layoffs and trade-affected events in recent years. By allowing for increased flexibility in the use of funds, the Local Workforce Investment Boards shall be able to respond more quickly and effectively to events in their areas.

E. Individuals Impacted by the Waiver

All Adults and Dislocated Workers shall benefit in that the funds available shall be expended in an efficient manner allowing for the needs of the communities and businesses to be met as timely as possible. Individuals on waiting lists who sometimes get discouraged shall be able to receive services sooner. One-Stop partner programs shall be able to better integrate their services with the local WIA programs since Local Boards shall have the resources available to design programs more responsive to customer needs. Employers shall benefit by having more workers trained in their demand industries.

Additionally, by allowing this fund transfer, it will help better ensure that the proposed 70% annual expenditure rate is met by the local areas.

F. Process for Monitoring Implementation of the Waiver

In order to ensure all population groups are served, the State shall require that all transfer requests be limited to 50% per quarter not to exceed 100% with justification of need provided. The State Monitors shall ensure this requirement becomes a part of the monitor review process.

G. Opportunity for Public Comment

This request was developed as a result of concerns expressed by local areas and their Workforce Investment Board members. The issue was addressed at the February 17, 2005, Local WIA Administrators meeting with representatives from all three local areas present. It was further considered by the Greater Lincoln Performance Review committee when it met on February 23, 2005. This committee notified the State that they agreed to support a recommendation of up to 100% transfer authority. This waiver consideration was included in the draft Strategic Plan posted on the NebraskaWorkforce.com Web site on April 27, 2005.

OUT-OF-SCHOOL YOUTH DEFINITION

The Nebraska Workforce Development/Department of Labor as the WIA Title I Grant Recipient Agency in Nebraska requests a waiver to allow youth who are enrolled in alternative school programs to count as Out-of-School Youth upon registration in the WIA Title IB program. This waiver has the potential to increase the number of Out-of-School Youth who are served in Nebraska thereby ensuring that the WIA youth funds are being used to maximize services for one category of youth identified in ETA's New Strategic Vision for Delivery of Youth Services. The waiver will apply to Program Years 2005 and 2006.

In keeping with the guidelines set forth at WIA Section 189(i)(4)(B) and 20 CFR Part 661.420(c), please accept the following as a request for a waiver.

B. Statutory or Regulatory Requirements to be Waived

WIA Section 101(33) and (39) define Out-of-School Youth and School Dropout. In the regulations at 20 CFR 664.310, it is stated that "a youth attending an alternative school at the time of registration is not a dropout. An individual who is out-of-school at the time of registration and subsequently placed in an alternative school, may be considered an out-of-school youth for the purposes of the 30 percent expenditure requirement for out-of-school youth."

Nebraska State law requires the public school system to serve all youth who have been expelled or suspended. These youth are automatically referred to alternative schools or programs. WIA youth programs are hindered by this requirement since the youth are referred to the WIA youth programs after enrolling in the alternative schools or programs.

B. Goals the State or Local Area, as appropriate, Intends to Achieve and How Those Goals Relate to the Strategic Plan Goals

The anticipated goal of this request is to increase the flexibility of local areas in enrolling youth who may already be attending alternative schools and programs. These youth who have been expelled, suspended or dropped out-of-school are already in an "at risk" population who need workforce services. This request would allow local areas to "provide the knowledge, skills and resources for learning, earning and living." [Plan Goal 4] Nebraska State Law LB 195 79-266.01 states "...the student shall not be permitted to enroll in a public school in any school district until the school board of the district in which enrollment is sought approves, by a majority vote, the enrollment of the student. As a condition of enrollment, the school board may require attendance in an alternative school, class or educational program pursuant to section 79-266 until the terms of the expulsion are completed." Furthermore, Nebraska Department of Education Rule 17 003.01 states "...the school district shall provide an alternative school, class, or program or shall carry out the procedures of Section 79-266 (2) found in Section 005 of this Rule for students who have been expelled." In most cases students who have been expelled are referred to the alternative school, class or program and then may be directed to the WIA youth program. As the focus turns more toward serving the out-of-school youth population, not being able to count these alternative school participants as out-of-school would hinder them being served by the WIA youth program.

H. Actions Taken to Remove State or Local Statutory or Regulatory Barriers

There is no State or local statutory or regulatory barrier to implementing the proposed waiver.

I. Programmatic Outcomes Expected to be Achieved If the Request is Granted

The number of out-of-school youth is expected to increase. This shall allow the State to position itself for the ETA New Strategic Vision for Delivery of Youth Services which includes the critical strategy of focusing on serving youth served in alternative education programs. More flexibility in expending youth funds would be available at the local level.

In looking at one alternative school program in Central Nebraska it was found that if alternative school students could be served as out-of-school youth, an additional sixteen youth could possibly be served with WIA funds.

J. Individuals Impacted by the Waiver

All youth will be impacted in a positive way from the waiver. Enabling local areas to expend their out of school funds on youth already enrolled in alternative schools is expected to increase the number of out-of-school youth and may also allow more in school youth to have access to WIA youth funds.

K. Process for Monitoring Implementation of the Waiver

The Nebraska Workforce Development/Department of Labor as the State administrator and overseer of WIA funds will monitor the use of funds by the local areas. The State's current monitoring policy and procedures will be modified to ensure compliance with the intent of this waiver.

Information contained in the State's management information system and financial management tracking system will be reviewed and reported to the local areas on a regular basis.

L. Opportunity for Public Comment

The issue was contained in the draft State Plan that was posted for public comment. It was also presented at the Nebraska Workforce Investment Board Compliance Committee meeting held on May 17, 2005 and at the Nebraska Workforce Investment Board meeting held on May 24, 2005.

ALMIS Grant Application

On behalf of the Governor, The Nebraska Workforce Development-Department of Labor as the WIA Title I Grant Recipient Agency in Nebraska requests a waiver of submission of a formal America's Labor Market Information System (ALMIS) Grant Application. This waiver would substitute section IV, Economic and Labor Market Analysis and section IX, Service Delivery of the State Plan as Nebraska's ALMIS Grant Application for the duration of the State Plan. The State Plan will be modified to comply with PY 2006 ALMIS Grant Application specifications.

A. Statutory or Regulatory Requirements to be Waived

WIA Regulations [Sec. 111(d)(8) and Sec. 309] requires a submission of a formal ALMIS Grant Application.

B. Goals the State Intends to Achieve and How Those Goals Relate to the Strategic Plan Goals

Goal 3 of the State WIA/Wagner-Peyser Two-Year Strategic Plan (2005-2007):

Recognize the need to meet the changing long and short-term needs of businesses and individuals with a coordinated, efficient, and less bureaucratic delivery system.

This waiver will allow for accomplishing this goal in the following ways:

- Streamlining and condensing the ALMIS planning process into the WIA Strategic Plan makes good business sense to the State Workforce Investment Board and the Governor promoting efficiency in government. Currently, the application method of submitting the ALMIS Grant Plan is identical to the WIA 2-year Strategic Plan, requiring input from the Economic and Workforce Development Committee of the State WIB; and approval from the full State Workforce Investment Board and the Governor.
- Since Nebraska is a small funded state with limited state staff resources, including the ALMIS Grant Plan as part of the Two-Year Strategic Plan eliminates the burdensome duplication of staff resources to develop two plans with the same purpose. This waiver will allow staff to spend more time developing and supporting the Workforce Development system throughout the state.
- In Nebraska, Wagner Peyser, Veterans, WIA Title I, UI benefits and Labor Market Information are all operated out of the Office of Workforce Security. Therefore, by granting this waiver the ALMIS efforts will become a part of the WIA Strategic Plan's vision and goals for Nebraska's demand-driven system, rather than a separate stand alone plan that doesn't connect.

Additionally, the following are specific areas of duplicative information requested in both the PY 2005 Workforce Information Core Products and Services Grant Plan (TEGL 32-04) AND the WIA/Wagner Peyser Two-Year Strategic Plan; followed by the elements which are not duplicative, but are requirements of the ALMIS Grant Plan and will be included as attachments to the State WIA Plan:

1. A description of the statewide workforce information system, including a description of the role of the SWIB in developing state workforce information policy:

- The process used to ensure that the SWIB can exercise its responsibility for ensuring the state workforce information policy is responsive to the needs of the state and local workforce investment system
- How the statewide workforce information system supports the goals of the state's WIA/Wagner Peyser Two-Year Strategic Plan for state and local workforce development
- How the grant activities are consistent with the strategic vision of the Governor and the SWIB
- The strategy for the SWA and the SWIB for consulting with local workforce investment boards and stakeholders in the workforce investment system to determine customer needs for workforce information.
- The broad strategic approach for workforce information delivery to principal customers.
- How workforce information and services are delivered as core services to customers through the state's One-Stop service delivery system.
- A description of the customer consultation and satisfaction assessment methods to be used to collect and interpret customer satisfaction information and the principal customers to be consulted.

The following elements are not duplicated in both Plans, but are current requirements of Section 1 of the PY 2005 ALMIS Grant Plan. However, the State proposes including these items as attachments to the State WIA Plan:

*Customer satisfaction findings for the most recent survey of products and service and the effect those findings had on the planned products and services for PY 2005 including how the plan addresses inadequacies or gaps by users.

*Identify funds leveraged or matched from funding sources other than these grant funds and how these funds will enhance delivery of products and services as part of the state's workforce information system.

2. A description of the products and services to be provided with these funds.

- A description of the core products, services, and other demand activity.
- Customer support for the product or service as indicated in customer satisfaction survey results or other consultations with customers and users of workforce information.
- How the deliverables support the goals of the state's WIA/Wagner-Peyser Two-Year Strategic Plan.
- The principal customers of the deliverables
- The outcomes and system impacts projected for each deliverable.

The following elements are not duplicated in both Plans, but are current requirements of Section 2 of the PY 2005 ALMIS Grant Plan. However, the State proposes including these items as attachments to the State WIA Plan:

*Planned milestones for completion of deliverables.

*The total estimated cost of each deliverable, including identification of planned equipment purchases of \$5,000 or more per unit cost.

3. A description of the strategy to be employed by the state for consulting with customers and for assessing customer satisfaction with state produced workforce information.

The following elements are not duplicated in both Plans, but are current requirements of Section 3 of the PY 2005 ALMIS Grant Plan. However, the State proposes including these items as attachments to the State WIA Plan:

*A state assessment of customer satisfaction with state selected grant deliverables and with the larger statewide workforce information system.

C. Actions Taken to Remove State or Local Statutory or Regulatory Barriers

There are no state or local statutory or regulatory barriers to implementing the requested waiver. The U.S. DOL has encouraged states to take advantage of flexibility provisions in the WIA and to consider new waivers.

D. Programmatic Outcomes Expected to be Achieved If the Request is Granted

Programmatic Outcomes expected as a result of this waiver is a workforce information system that meets the following goals of a demand-driven system:

- Developing and delivering products and services to address changing long and short-term needs of businesses and individuals.
- A coordinated, efficient, and less bureaucratic delivery system which identifies ALMIS products and services as a valuable part of the WIA Strategic Plan.
- Elimination of duplication in planning process and SWIB and staff resources

E. Individuals Impacted by the Waiver

All customers including local Workforce Investment Boards, businesses, Career Center staff, and State managers of the Nebraska labor market information system will be positively affected by the waiver. Streamlining and condensing the ALMIS planning process into the WIA Strategic Plan makes good business sense to the State Workforce Investment Board and the Governor promoting efficiency in government. Additionally, this waiver would allow staff to spend more time developing and supporting the Workforce Development system throughout the state.

F. Process for Monitoring the Implementation of the Waiver

The Workforce and Economic Development Committee of the State WIB was instrumental in the development of the Labor Market Analysis and Labor Market Delivery sections of the State Plan. This Committee also provided input and oversight in the development of the PY2004 ALMIS Grant Plan. The Workforce and Economic Development Committee is responsible for continued oversight of Labor Market Information core products and service delivery statewide.

G. Opportunity for Public Comment

Public comment on the State's request for this waiver has been encouraged. This issue was presented at an April 20, 2005 meeting that Administrators from every local Board attended. This waiver was included in the draft strategic plan posted April 27, 2005 on the Internet allowing all workforce systems customers, including business and organized labor, to comment.

- (d) Job Corps representatives; and
- (e) representatives of other area youth initiatives, including those that serve homeless youth and other public and private youth initiatives.

Local boards must ensure that the referral requirements in WIA sec.129(3) for youth who met the income eligibility criteria are met. This includes providing these youth with information regarding the full array of applicable or appropriate services available through the local board, providers found eligible by the board, or One-Stop partners; and referring these youth to appropriate training and educational programs that have the capacity to serve them either on a sequential or concurrent basis.

In order to meet the basic skills and training needs of eligible applicants who do not meet the enrollment requirements of a particular program or who cannot be served by the program, each eligible youth provider must ensure that these youth are referred:

- (a) for further assessment as necessary, and
- (b) to appropriate programs.

Local boards must ensure that parents, youth participants, and other members of the community with experience relating to youth programs are involved in both the design and implementation of its youth programs.”

I. Describe the State’s strategies to identify State laws, regulations, policies that impede successful achievement of workforce development goals and strategies to change or modify them. (§112(b)(2).)

The State makes a concerted effort to identify impediments to successful achievement of workforce goals and strategies by:

1. Providing opportunity for public comment on all State WIA policies before they become final. Policies posted on the NebraskaWorkforce.com [go into Information – WIA – Policies] website do not become final until 30 days after posting.
2. Local WIA Administrators meeting are held on a regular basis and attendees from both the Local and State levels bring forward agenda items. Issues that are troublesome to service delivery may be discussed at these meetings and have (in the past) brought about changes in policies.

J. Describe how the State will take advantage of the flexibility provisions in WIA for waivers and the option to obtain approval as a workflex State pursuant to §189(i) and §192.

- Recognizing the need for more flexibility, the Governor is seeking a waiver for PY05 and PY06 to allow for the transfer of 100 percent between adult and dislocated workers funding streams. [Sec. 133(b)(4); 20 CFR 667.140]
- The need to serve the Out-of-School Youth population in Nebraska is hindered by State law. Since the public school system is required to serve all youth who have been expelled or suspended, these youth are automatically referred to alternative schools or programs. Therefore, the Governor is seeking a waiver for PY05 and PY06 that allows youth who are enrolled in alternative school programs to count as Out-of-School Youth upon registration in the WIA Title IB. [Sec. 101(33) and (39); 20 CFR 664.310]

- The Governor requests a waiver of submission of a formal ALMIS Grant Plan. This request is based on the fact that the same information is addressed in the WIA 2-year Strategic Plan section IV, Labor Market Analysis and section IX, Service Delivery. Additionally, the method of submitting the ALMIS Grant Plan is similar to the WIA 2-year Strategic Plan in that it includes input and approval from the Nebraska State Workforce Investment Board. [Sec. 111(d)(8) and Sec. 309]
- The Governor is requesting a waiver to extend the period of “Initial Eligibility of Training Providers” through June 30, 2007. This waiver will postpone the “Subsequent Eligibility of Training Providers” until July 1, 2007. The extension is needed to provide the broadest range of eligible training providers to enable individuals to make informed choices related to their training goals. [20 CFR 663.530]
- The Governor is requesting to waive the reporting requirements on individual training participants served through the 15% set-aside funds. [Sec. 136]
- The Governor is requesting a waiver to allow the youth services competitive bid process be optional in rural areas as determined by the Nebraska Workforce Investment Board. [Sec. 117(d)(2)(B) and Sec. 123]

The State does not anticipate requesting work flex authority at this time.